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FISCAL IMPACT STATEMENT

LS 7164

BILL NUMBER: HB 1434

NOTE PREPARED: Jan 31, 2003

BILL AMENDED: Jan 30, 2003

SUBJECT: Child restraints in motor vehicles.

FIRST AUTHOR: Rep. Welch

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- 1) The bill requires a person who operates a motor vehicle with a child who is less than 12 years of age to restrain the child by a child restraint system, a booster seat, or a safety belt.
- 2) The bill removes the exception that a person who operates a vehicle registered outside Indiana is not required to use a child restraint system unless the vehicle is operated in Indiana for more than 60 days in a year.
- 3) The bill requires children of certain ages to be restrained in a certain manner in vehicles operated in Indiana that are not registered in Indiana.
- 4) The bill makes violations of child restraint system laws Class C infractions.
- 5) The bill establishes the Child Restraint System Fund to make grants to private and public organizations to purchase and distribute child restraint systems without charge or for a minimal charge to persons who would not otherwise be able to afford to purchase child restraint systems.
- 6) The bill removes conflicting language in the passenger restraint system law that was declared invalid by the Indiana Supreme Court.
- 7) The bill repeals a provision concerning child restraint systems and safety belt use by children at least four but less than 12 years of age.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) A dedicated fund would be established under the bill to make grants to private and public organizations to purchase and distribute child restraint systems at minimal or no charge. The Child Restraint System Fund would be administered by the Criminal Justice Institute, and

administrative costs would be paid from the Fund. The Criminal Justice Institute would adopt rules to implement the Fund, but costs to adopt the rules are expected to be minimal.

Background: The Indiana Criminal Justice Institute serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. The Institute develops long-range strategies for the effective administration of Indiana's criminal and juvenile justice systems and administers federal and state funds to carry out these strategies.

Explanation of State Revenues: (Revised) Under current law, children under 4 years of age must be restrained by a child restraint system, or if appropriate, a seat belt. The bill would add a child booster seat to the restraint methods available and would require children up to 12 years of age to be restrained in a child booster seat, child restraint system, or a seat belt with different requirements imposed based on the age of the child.

Also, under current law, a vehicle operator is excluded from the child restraint requirements if the vehicle is operated in Indiana for less than 60 days and it is registered in a jurisdiction outside of Indiana, or if a rental vehicle is leased for not more than 30 days. Under the bill, a person who does not hold an Indiana driver's license and operates a vehicle in which there is a child less than 8 years of age not in a child restraint system, booster seat, or seatbelt, commits a violation. All rental vehicles would require proper systems.

To the extent that children from the age of 4 to 12 will now be subject to the child restraint requirement or that a vehicle operator with a license not from Indiana will be subject to a violation, the number of offenders found guilty would increase. To the extent that a third option, a child booster seat, would be available for children, offenses would decrease. In CY 2001, there were 8,369 guilty verdicts for child restraint violations. There are no data available to determine how many fines were avoided by offenders providing child restraint systems prior to enforcement.

The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund, but under the bill would be deposited in the Child Restraint System Fund established under the bill. Also, the fine for the Class C infraction could be avoided if the offender proves that a child booster seat or child restraint system has been purchased prior to enforcement for a child up to 8 years of age. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Indiana State Police.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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